

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUNG EIK HONG,

Plaintiff,

21-CV-07908 (SN)

-against-

ORDER

QUEST INTERNATIONAL LIMOUSINE, INC.,

Defendant.

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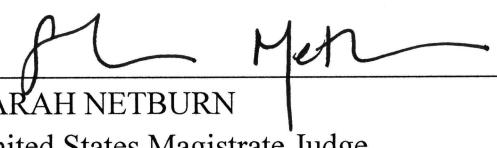
SARAH NETBURN, United States Magistrate Judge:

On February 3, 2022, the Court granted judgment for the defendants in Hong v. Quest International Limousine, Inc., No. 19-cv-4336 (SN), finding that the plaintiffs in that case (including Plaintiff Hong) were independent contractors, not employees of Quest International, under the Fair Labor Standards Act (FLSA) and the New York Labor Law (NYLL).

By June 10, 2022, the parties in this case are ORDERED to submit simultaneous supplemental briefing on the issue of whether Plaintiff Hong can assert a FLSA or NYLL anti-retaliation claim given his previously determined independent contractor status. See Kim v. Lee, No. 21-cv-3552 (LJL), 2021 WL 6052122, at *10 (S.D.N.Y. Dec. 20, 2021) (FLSA anti-retaliation provision does not apply where there is no employer/employee relationship); see also Fernandez v. Kinray, Inc., 406 F. Supp. 3d 256, 265 (E.D.N.Y. 2018); Sellers v. Royal Bank of Canada, No. 12-cv-1577 (KBF), 2014 WL 104682, at *9 (S.D.N.Y. Jan. 8, 2014), aff'd, 592 F. App'x 45 (2d Cir. 2015). The parties' submissions may not exceed five pages in length.

SO ORDERED.

DATED: New York, New York
June 3, 2022


SARAH NETBURN
United States Magistrate Judge